

REMARKS

Claims 1-42 are currently pending. Claims 1-10, 14, 15, 19, 20, and 29-42 stand rejected under 35 U.S.C. § 102(b) and claims 11-13 stand rejected under 35 U.S.C. § 103(a). Claims 16-18 and claims 21-28 are objected to but otherwise recite allowable subject matter. The Applicants respectfully traverse the grounds for rejection and request withdrawal thereof in view of the following.

SECTION 102(b) REJECTIONS

Claims 1-10, 14, 15, 20, and 29-42 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Number 6,667,159 to Walt, et al. ("Walt"). The Applicants respectfully traverse the grounds for rejection.

Independent claims 1, 20, and 37 of the present invention recite, respectively, a microfluidic device, a method of manufacture, and a microfluidic device that, in pertinent part, include a substrate and a formed layer that is in contact with the surface of the substrate. Thus, the formed layer is disposed, i.e., "formed", on the surface of the substrate.

The present invention expressly teaches away from Walt and chemical etching. See, e.g., Specification, page 2, lines 3-12. Walt discloses using microwells that are formed by chemically-etching a well into the core optic fibers. However, claims 1 and 20 of the present invention recite forming a layer on the fiber

optic surface of the substrate rather than etching microwells into the fiber optic substrate. The former adds a layer onto the substrate whereas the latter etches into the substrate. The added layer further has a topological feature. The use of a separate layer allows use of topological feature of a large variety of forms not available in Walt's chemical etching.

Accordingly independent claims 1, 20, and 37 and all claims depending therefrom satisfy all of the requirements of 35 U.S.C. § 101, et seq. -- especially § 102(b) -- and are in condition for allowance. Withdrawal of the grounds for rejections is respectfully requested.

SECTION 103(a) REJECTIONS

Claims 11-13 stand rejected under 35 U.S.C. § 103(a) as unpatentable over. Claims 11-13 depend from claim 1. For the same reasons noted above that distinguish Walt from independent claim 1, they also prevent Walt from making obvious claim 1 and those claims depending therefrom. Walt teaches away from the invention as claimed. Accordingly claims 11-13 satisfy all of the requirements of 35 U.S.C. § 101, et seq. -- especially § 103(a) -- and are in condition for allowance. Withdrawal of the grounds for rejections is respectfully requested.

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The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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